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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 3/9/06

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAYMOND A. GARBIN,

Defendant.

No. CR 06-00074 RMW

STIPULATION AND
ORDER EXCLUDING TIME

SAN JOSE VENUE

On February 21, 2006, the parties in this case appeared before the Court for an initial appearance. Assistant United States Attorney Susan Knight informed the Court that the government had recently turned over voluminous discovery to the defendant's attorney, Thomas Ferrito, and that additional discovery would be produced when the government completed its examination of numerous computers that were seized from the defendant. The parties then requested that the case be continued to April 24, 2006 at 9:00 a.m. In addition, the parties requested an exclusion of time under the Speedy Trial Act from February 21, 2006 to April 24, 2006 in order for the government to provide discovery to Mr. Ferrito and to afford him an opportunity to review it. The defendant, through Mr. Ferrito, agreed to the exclusion. The

1 parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need
2 for effective preparation of counsel.

3 SO STIPULATED:

KEVIN V. RYAN
United States Attorney

5 DATED:

4
/s/
SUSAN KNIGHT
Assistant United States Attorney

7 DATED:

/s/
THOMAS J. FERRITO
Counsel for Mr. Garbin

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10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
11 under the Speedy Trial Act from February 21, 2006 to April 24, 2006. The Court finds, based on
12 the aforementioned reasons, that the ends of justice served by granting the requested continuance
13 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
14 the requested continuance would deny defense counsel reasonable time necessary for effective
15 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
16 of justice. The Court therefore concludes that this exclusion of time should be made under 18
17 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

18 SO ORDERED.

19
20 DATED: 3/9/06 _____

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge